REMARKS

Claims 21-22, 25-26, 28-33, 35 and 37-41 are now pending, with claims 21, 33 and 38 being the independent claims. Claim 32 has been amended. Claim 21 has been amended to incorporate the subject matter of claim 27. Claims 33 and 38 have been amended to incorporate the subject matter of claim 36. Claims 27 and 36 have been cancelled. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

In the September 9, 2005 Office Action dependent claim 32 and indepenent claim 38 were objected to based on certain informalities. In response to these objections, Applicant has amended claims 32 and 38 in manner that adddresses each specific objection. Withdrawal of the objections are therefore in order.

In the September 9, 2005 Office Action, independent claims 21, 33 and 38, and dependent claims 22, 26, 28, 29, 31-33 and 38-41 were rejected under 35 U.S.C. §102(e) as unpatentable over U.S. Patent No. 6,507,741 ("*Bassirat*") in view of U.S. Patent No. 5,471,694 ("*Rees*"). Dependent claim 25 was rejected under 35 U.S.C. §103(a) as unpatentable over *Bassirat* in view of *Rees*, and further in view of U.S. Patent No. 5,613,010 ("*Heyl*"). Dependent claims 27, 30, 36 and 37 were rejected under 35 U.S.C. §103(a) as unpatentable over *Bassirat* in view of *Rees*, and further in view of U.S. Patent No. 5,987,513 ("*Prithviraj*").

Independent claim 21 has been amended to recite the step of "sending an event notice to a network management system, when a presence of at least one of the network elements is initially detected" as previously recited in (now cancelled) dependent claim 26. Therefore, the foregoing amendment does not present a new issue that would require further consideration and/or search.

Bassirat relates to an RF repeater for use in a cell to improve hard hand-off performance. The RF repeater includes an input/output terminal for receiving a first signal from a subscriber station. A predetermined amount of delay is added to the received first signal and the delayed signal is output for transmission to a base station. The added delay distinguishes the RF repeater signal from the signal received directly from the subscriber station and allows the base station to determine the approximate location of the subscriber station (i.e., within the coverage area of the RF repeater and near the cell boundary for initiation of the hard hand-off process) (see col. 4, line 58 thru col. 5, line 2).

Rees relates to diagnostic equipment for testing certain aspects of the operation of such equipment (see col. 1, lines 9-10). *Rees* (col. 2, lines 58-60) teaches that the equipment can be made to simulate the behaviour of mobile field test equipment by artificially advancing or

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retarding the transmissions of the subsidiary transceiver equipment. *Rees* (col. 2, lines 61-65) states, "subsidiary transceiver equipment can be [advantageously] mounted at the same location as the base station equipment, and can report faults to the system operator along the same fault reporting channels as other aspects of the base station testing routines".

The Office Action (pg. 6, ¶ 6) states:

> Bassirat in view of Rees ... does not specifically disclose sending an event notice to a network management system, when a presence of at least one of said elements is detected for the first time. In an analogous art, Prithviraj discloses sending an event trap to NMS (Network Management Stations), when a malfunction of one of said network element (Fig. 3, 360) is detected (Prithviraj, Col. 10, lines 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Prithviraj to the system of Bassirat and Rees in order to know significant events, which may have occurred around the time a problem has precipitated in the network.

With respect to the foregoing, Applicant respectfully asserts that the combination of *Bassirat*, *Rees* and *Prithviraj* fails to achieve the method recited in amended independent claim 21. *Prithviraj* relates to a system and method for managing network elements using web browsers available in the market place (see col. 1, lines 6-9). *Prithviraj* (col. 2, lines 49-52) states that the "invention is implemented on a central network management station and a user can manage the network from any remote computer system implementing a browser. *Prithviraj* (col. 2, lines 49-52) states "various Applets and Hypertext documents are provided by the present invention which are accessed using the browser". *Prithviraj* (col. 2, lines 49-52) further states, "by simply clicking on the Applet displays and the hypertext links in the Hypertext documents, the user can manage the network".

Prithviraj (col. 2, lines 61-63) teaches that new network elements can be integrated into the network management system in a simplified manner. *Prithviraj* (col. 4, lines 60-62) also teaches that a user is provided with the ability to view error conditions that may have occurred in network elements during a desired time period. However, *Prithviraj* fails to teach that an event notice is sent to a network management system, when the presence of at least one of the network elements is <u>initially</u> detected, as recited in amended independent claim 21.

Prithviraj (col. 4, lines 61-63) teaches the use of a process (e.g., Unix Daemon) executing continuously to enable the capability to detect error conditions. *Prithviraj* (col. 4, lines 63-65) states, "the process receives reports of network events (e.g., SNMP traps) and stores them in

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non-volatile memory". This section of *Prithviraj*, however, fails to teach or suggest the claimed sending step recited in amended independent claim 21.

Prithviraj (col. 6, lines 47-50) also teaches the discovery of network elements, and the display of the discovered network elements in a graphical user interface environment. *Prithviraj* (col. 9, lines 63-65) teaches that SNMP allows the monitoring and configuring of various network element on networks. *Prithviraj*, however, does not teach that an event notice is sent to a network management system, when the presence of at leasst one of the network elements is initially detected, as recited in amended independent claim 21.

Prithviraj (col. 9, line 67) states "SNMP 'trap' is another concept that is used. *Prithviraj* (col. 9, line 67 thru col. 10, line 1) states, "a trap is an asynchronous event (i.e., it can occur at any random time) which occurs in a network element". *Prithviraj* (col. 10, lines 2-3) states, "the agent corresponding to the network element sends a packet indicating the occurrence of the event". *Prithviraj*, however, does not state that an event notice is sent to a network management system, when the presence of at least one of the networks element is initially detected, recited in amended independent claim 21. Rather, *Prithviraj* (e.g. col. 10, lines 3-6) states, "if network element 360 is a printer, agent 370 may detect that the printer is out-of-paper, and send a trap to NMS 330 which indicates that the printer is out of paper". Thus, *Prithviraj* teaches that a packet is sent pursuant to a malfunction. The *Prithviraj* packet is not sent in response to the initial detection of the presence of at least one of the network elements, as required by amended independent claim 21. Consequently, *Prithviraj* fails to cure the deficiencies of the combined *Bassirat* and *Rees* patents, since *Prithviraj* also fails to teach the sending step recited in independent method claim 21.

Heyl relates to an apparatus for reproducing sound with a reduced dynamic range, where the sound is encoded in a modulation signal (see col. 2, lines 14-17). *Heyl* fails to cure the deficiencies of the combined *Bassirat*, *Katz* and *Prithviraj* patents. Specifically, *Heyl* also fails to teach the step of "sending an event notice to a network management system, when a presence of at least one of the network elements is initially detected," as recited in amended independent claim 21. In view of the foregoing, amended independent claim 21 is patentable over the combination of *Bassirat*, *Prithviraj* and/or *Heyl*. Therefore, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103(a) are in order, and a notice to that effect is respectfully requested.

Independent claims 33 and 38 are system claims associated with the method of independent claim 21. Accordingly, independent claims 33 and 38 are patentable over the combination of the cited references for the reasons discussed above with respect to independent method claim 21.

In view of the patentability of independent claims 21, 33 and 38, for the reasons set forth above, dependent claims 22, 25, 26, 28-32, 35, 37, and 39-41 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,

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